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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,216	02/20/2001	Lee Codel Lawson Tarbotton	550-211	3943

7590 10/19/2004

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EXAMINER

CHAI, LONGBIT

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/785,216

**Applicant(s)**

TARBOTTON ET AL.

**Examiner**

Longbit Chai

**Art Unit**

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Priority*

1. No claim for priority has been made in this application.
2. The effective filing date for the subject matter defined in the pending claims in this application is 02/20/2001.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 3, 8 – 10 and 15 – 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kouznetsov (Patent Number: 6029256), hereinafter referred to as Kouznetsov.

4. As per claim 1, 8 and 15, Kouznetsov teaches a computer program product comprising a computer program operable to control a computer to apply a plurality of anti computer virus tests to a target computer file, said computer program comprising:

- (i) virus scanning logic operable to detect if said target computer file is infected with a computer virus (Kouznetsov: see for example, Column 1 Line 42 – 43 and Column 5 Line 16 – 18);

- (ii) virus cleaning and file repair logic operable to remove a detected computer virus from said target computer file and repair damage caused by said detected computer virus to said target computer file (Kouznetsov: see for example, Column 5 Line 43 – 47);
- (iii) virus identifying logic operable to detect whether or not said detected computer virus is of a type that can cause damage to said target computer file that cannot be repaired by said virus cleaning and file repair logic (Kouznetsov: see for example, Column 5 Line 47); and
- (iv) warning generating logic operable if said detected computer virus is of a type that can cause damage to said target computer file that cannot be repaired by said virus cleaning and file repair logic to generate a warning to a user that said target computer file may have suffered irreparable damage (Kouznetsov: see for example, Column 5 Line 50 – 60).

5. As per claim 2, 9 and 16, Kouznetsov teaches the claimed invention as described above (see claim 1, 8 and 15 respectively). Kouznetsov further teaches virus scanning logic is responsive to a library of tests to detect different computer viruses, said library including data specifying which computer viruses can cause damage that cannot be repaired by said virus cleaning and repair logic (Kouznetsov: see for example, Column 6 Line 16 – 17 and Column 5 Line 47).

6. As per claim 3, 10 and 17, Kouznetsov teaches the claimed invention as described above (see claim 2, 9 and 16 respectively). Kouznetsov further teaches warning generating logic can generate one or more different types of warning to a user

that said target computer file may have suffered irreparable damage and said library includes data specifying which of said plurality of types of warning should be issued in response to a particular detected computer virus (Kouznetsov: see for example, Column 7 Line 1 – 15).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kouznetsov (Patent Number: 6029256), hereinafter referred to as Kouznetsov, in view of Lipton (Patent Number: US 2001/0033657 A1), hereinafter referred to as Lipton.

1. As per claim 4, 11 and 18, Kouznetsov teaches the claimed invention as described above (claim 1, 8 and 15 respectively). Kouznetsov does not teach warning to a user that said target computer file may have suffered irreparable damage includes an option to add a notification message into said target computer file.

2. Lipton teaches warning to a user that said target computer file may have suffered irreparable damage includes an option to add a notification message into said target computer file (Lipton: see for example, Paragraph [0027] Line 6 – 8 and Paragraph [0017]).

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3. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Lipton within the system of Kouznetsov because Kouznetsov teaches a method and system of computer virus scanning engine and Lipton teaches reducing the risk of security breaches when a virus takes control of the client through the authorization technique (Lipton: see for example, Paragraph [0017]).

4. Claims 7, 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kouznetsov (Patent Number: 6029256), hereinafter referred to as Kouznetsov, in view of Togawa (Patent Number: 5918008), hereinafter referred to as Togawa.

5. As per claim 7, 14 and 21, Kouznetsov teaches the claimed invention as described above (claim 1, 8 and 15 respectively). Kouznetsov does not teach upon detection of a target computer file infected with a computer virus that may have caused irreparable damage, said virus cleaning and repair logic presents a user with different options for further processing of said target file than if said target computer file were infected with a computer virus that only causes repairable damage.

6. Togawa teaches upon detection of a target computer file infected with a computer virus that may have caused irreparable damage, said virus cleaning and repair logic presents a user with different options for further processing of said target file than if said target computer file were infected with a computer virus that only causes repairable damage (Togawa: see for example, Column 21 Line 46 – 52).

7. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Lipton within the system of Kouznetsov because (a) Kouznetsov teaches a method and system of computer virus scanning engine and Lipton teaches and (b) Togawa further teaches the technique to cope with a computer virus and properly deal with infection with a computer virus (Togawa: see for example, Column 1 Line 7 – 9).

8. Claims 5 – 6, 12 – 13 and 19 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kouznetsov (Patent Number: 6029256), hereinafter referred to as Kouznetsov, in view of Lipton (Patent Number: US 2001/0033657 A1), hereinafter referred to as Lipton, and in view of Waldin (Patent Number: 6094731), hereinafter referred to as Waldin.

9. As per claim 5, 12 and 19, Kouznetsov as modified teaches the claimed invention as described above (claim 4, 11 and 18 respectively). Kouznetsov as modified does not teach notification message includes authentication data identifying said target computer file into which it was inserted.

10. Waldin teaches notification message includes authentication data identifying said target computer file into which it was inserted (Waldin: see for example, Column 6 Line 65 – 67).

11. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Lipton within the system of Kouznetsov

as modified because (a) Kouznetsov as modified reducing the risk of security breaches when a virus takes control of the client through the authorization technique (Lipton: see for example, Paragraph [0017] Line 8 – 9) and (b) Waldin further teaches using the authentication and digital signature techniques to handle virus infection situations (Waldin: see for example, Column 6 Line 50 – 67 and Column 7 Line 1 – 2).

12. As per claim 6, 13 and 20, Kouznetsov as modified teaches the claimed invention as described above (claim 4, 11 and 18 respectively). Kouznetsov as modified does not teach notification message includes an electronic signature applied by said warning generating logic.

13. Waldin teaches notification message includes an electronic signature applied by said warning generating logic (Waldin: see for example, Column 6 Line 50 – 56).

14. Same rationale applies here as above in rejecting the claim 5.



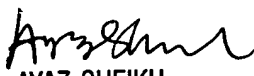
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 703-305-0710. The examiner can normally be reached on Monday-Friday 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Longbit Chai  
Examiner  
Art Unit 2131

LBC

  
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